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16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. 2:23-CR-59-MEMF

21 Plaintiff,

22 v.
23 GOVERNMENT'S RESPONSE TO
DEFENDANT'S SENTENCING REPLY;
DECLARATION OF INSPECTOR
VERSOZA; EXHIBIT

24 CAROLINE JOANNE HERRLING,
25 aka "Carrie Phenix,"

26 Defendant.

27 Sentencing: March 15, 2024
28 2:00 p.m.

29 On March 1, 2024, defendant lodged her Reply to the
30 Government's Sentencing Position under seal. (Hereafter,
31 "Defendant's Reply Brief," which the government anticipates will be
32 assigned docket number 64 when filed.) Although labelled a reply,
33 it included new arguments which should have been included in
34 defendant's initial sentencing position. Below, the government
35 responds only to defendant's new arguments. The government plans to
36 file also an under seal response to address those issues raised in
37 Defendant's Reply Brief that are confidential.

1 **A. DEFENDANT ATTEMPT TO TRANSFER HER HOUSE TO DEFEAT
2 FORFEITURE**

3 Defendant claims she "made no attempt to transfer her residence
4 to defeat its potential forfeiture." (Defendant's Reply Brief page
5 6.) Instead she claims that she merely discussed selling it in an
6 effort to raise funds to pay restitution in this case. It is
7 certainly true that she discussed selling the house in calls from
8 MDC which she knew were recorded. But she also explicitly stated
9 that she wanted to put the house into someone else's name to prevent
10 its forfeiture:

11 Defendant: Okay. Got a couple of things for you guys.
12 Can I, can I give you guys my house? It's
13 the first one.

14 Defendant's Mother: And then they'll throw us in jail too.

15 Defendant: No, they won't. Nope. Not at all. But can I
16 give you my house so it doesn't get seized?
17

18 (Versoza Decl. ¶ 10.)

19 **B. THE SUICIDE OF DEFENDANT'S VICTIM ROBERT TASCON IS
20 AGGRAVATING**

21 Defendant claims that the Court cannot increase her sentence
22 because one of her victims committed suicide after losing his only
23 asset to her. In a cruel twist of the knife, defendant tries to
24 suggest that Robert Tascon's common-law wife, Miracle Williams, was
25 responsible for his death because a roommate said she earlier
26 possessed handgun, and Miracle Williams denied there was one in the
house. Indeed, defendant asks this Court to disbelieve that Mr. Tascon
committed suicide at all, despite the police investigation so finding.

27 Defendant's slanderous argument victimizes Miracle Williams
28 again. It is true that Robert Tascon was the beneficiary of a trust

1 that paid his living expenses. But the mere fact that he had a
 2 stipend to live off of does not establish that he could accept with
 3 equanimity the loss of his sole asset, much less the stress of
 4 litigation in a vain effort to get it back, and the fear that those
 5 who had stolen his identity keep victimize him again. Instead,
 6 those closest to him believed the fraud contributed to Mr. Tascon's
 7 suicide. (Versoza Decl. ¶ 11: an attorney friend said the fraud was
 8 a "huge factor" in Mr. Tascon's suicide. See also, dkt. 47-1, exh.
 9 page 9, and 54-1, exh. pages 1-3.)

10 According to the terms of Mr. Tascon's trust, all its assets
 11 would be given to charity if he died without an heir, as occurred.
 12 For this reason, Miracle Williams lost not only the love of her life
 13 when Mr. Tascon killed himself, but also the financial support that
 14 came with being Mr. Tascon's wife. The only assets that Mr. Tascon
 15 could have bequeathed to Ms. Williams were the ones in his name,
 16 namely the car he drove and the house that had been stolen from him
 17 by defendant and her co-conspirators. (Versoza Decl. ¶ 11)

18 Defendant also argues that she should not be held to account
 19 for Mr. Tascon's suicide because, she claims, another person came up
 20 with the idea of stealing Mr. Tascon's house. While defendant did
 21 not act alone, she admitted participating in the conspiracy to steal
 22 Mr. Tascon's house, and Mr. Tascon's suicide is an aggravating
 23 factor for which defendant is in part responsible.

24 **C. DEFENDANT'S FIREARMS AND FAKE BADGES**

25 Defendant attempts to avoid responsibility for the 16 firearms
 26 and three badges seized from her home. (Defendant's Reply Brief
 27 page 8). She argues that "Many of the weapons were Airsoft BB
 28 guns," and that there "were multiple individuals living in the

1 residence" in any event. Defendant's arguments are misleading.
2 While there were multiple individuals living at the residence,
3 defendant admitted that the badges and some of the real firearms
4 were hers. (PSR ¶ 52, 53; Compl. Aff. ¶ 96: Herrling "admitted to
5 owning some guns".) Indeed, the agents did not bother to take the
6 BB guns; all 16 of the firearms that were seized were real,
7 including the loaded pistol in defendant's purse. (PSR 104.)

8 **D. DEFENDANT MISREPRESENTED HERSELF AS AN ATTORNEY**

9 Defendant claims that she "never represented herself as an
10 attorney for the sale of the Tascon property." (Defendant's Reply
11 Brief page 9.) That is contradicted by a Los Angeles Police
12 Department report:

13 The former property owner of 5309 Louise A venue, Robert
14 Tascon alleged that his signature on the grant deed, and
15 other sale documents, transferring title to LDAC were
16 forged. In Spring of 2021, Steven Tobias, an employee of
17 LDAC was approached by a woman who identifying herself as,
18 Caroline Phenix [defendant Herrling's alias]. Phenix was
representing herself as an attorney who represented
homeowners in distressed situations needing to sell.
Phenix showed Tobias multiple properties her clients were
ostensibly selling, including 5309 Louise Avenue [Robert
Tascon's house].

19 (Exh., emphasis added; see also PSR ¶ 44.)

20 **E. DEFENDANT HAS NOT CLEARLY DEMONSTRATED ACCEPTANCE OF**
21 **RESPONSIBILITY**

22 It is defendant's burden to establish that she has "clearly"
23 accepted responsibility for her offense. United States v.
24 Alexander, 48 F.3d 1477, 1493 (9th Cir. 1995); USSG § 3E1.1(a). In
25 addition to the ways in which defendant instead showed the opposite,
26 as previously described in both the Presentence Report and the
27 government's sentencing briefs, defendant now has attempted to
28

1 deceive the Court by falsely claiming she did not misrepresent
2 herself as an attorney, did not attempt to forestall the forfeiture
3 of her home by putting it in someone else's name, and misleadingly
4 attempted to avoid responsibility for the numerous firearms and fake
5 law enforcement badges in her home. Cf., USSG 3E1.1, app. n. 1(A)
6 (a "defendant who falsely denies, or frivolously contests, relevant
7 conduct that the court determines to be true has acted in a manner
8 inconsistent with acceptance of responsibility.").

10 Dated: March 6, 2024

11 Respectfully submitted,

12 E. MARTIN ESTRADA
United States Attorney

13 MACK E. JENKINS
14 Assistant United States Attorney
Chief, Criminal Division

15 *Andrew Brown*

16 ANDREW BROWN
17 Assistant United States Attorney

18 Attorneys for Plaintiff
UNITED STATES OF AMERICA

Declaration of Lyndon Versoza

[paragraphs consecutively numbered from his earlier declaration]

I, LYNDON VERSOZA, do hereby declare and affirm:

9. I have been a Postal Inspector since 2005, and am the case agent.

10. I have reviewed the accompanying brief, which contains a correct partial transcript taken from a jail recording of Caroline Herrling's call to her parents asking to have her house put in their names to avoid it being seized by the government. I listened to many jail calls from Ms. Herrling, who appears to be well aware that her calls are recorded. Sometimes she inserts self-serving statements into calls, speaks in coded language, or changes her tone abruptly, seemingly to indicate that part of her conversation is not to be taken literally, but that her listener must read between the lines. This is common in jail calls, as is Ms. Herrling's using the PIN codes of other prisoners, which makes it hard for the Metropolitan Detention Center to link her to a call, as their records would indicate that a different prisoner placed that call. I have listened to other calls from Ms. Herrling in which she discusses selling her house, which she seems to believe contains a lot of equity.

11. On March 5, 2024, I telephoned Travis Hartgraves who works at a law firm that victim Robert Tascon used, and who had befriended Mr. Tascon. Mr. Hartgraves said: Robert Tascon was the beneficiary of a trust that paid him a stipend that covered his living expenses. According to the trust, if Mr. Tascon died without producing an heir, the remainder of the trust was to be given to a number of charities. Because Mr. Tascon committed suicide without having an

1 heir, the trust was liquidated, and they had to drop the lawsuit to
2 recover the house stolen from Mr. Tascon because there was no money
3 to pay the Los Angeles attorney who was pursuing it. In contrast,
4 Mr. Tascon owned two assets outright: a car and the house that was
5 stolen from him. He could have done anything with the value of the
6 house, but otherwise only had his living expenses covered by
7 payments from the trust every two weeks. Mr. Hartgraves said he was
8 not a doctor, but believed that the theft of Mr. Tascon's identity
9 and house, and the stress of the lawsuit to recover it, was a "huge
10 factor" in Mr. Tascon's suicide. He explained that Mr. Tascon was
11 "so deep in a hole" that he could not see a way out. He also said
12 that because of the theft of Mr. Tascon's only asset, and the
13 liquidation of the trust, Mr. Tascon had no assets to leave to
14 Miracle Williams.

15 12. I attached a true and correct copy of part of an LAPD
16 report describing how defendant misrepresented herself as attorney
17 "Caroline Phenix," her alias.

18 I declare under penalty of perjury that the foregoing is true
19 and correct to the best of my knowledge.

20 Dated: March 6, 2024

/s Lyndon Versoza

Inspector Lyndon Versoza

CONTINUATION SHEET

Los Angeles Police Department

PAGE NO.	TYPE OF REPORT				BOOKING NO.	DR NO.	
ITEM NO.	QUAN	ARTICLE	SERIAL NO	BRAND	MODEL NO.	MISC DESCRIPTION (EG. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE
2/4				Forgery		221016334	

Source of Activity:

I, Detective Segura, Serial No. 32218, Officer-in-Charge of the Real Estate Fraud Unit had received an email from LASD, Sgt. Jacqueline Luna, Fraud & Cyber Crimes Bureau regarding a possible Forgery regarding the property located at 5309 Louise Avenue, Los Angeles, CA 91316 (LAPD Jurisdiction). Sgt. Luna had received a referral from Gloria Payne, Fraud Review Administrator for Fidelity National Title Group. The referral stated that the former owner, **Robert Tascon** alleged his signature on the grant deed, and other sale documents, transferring title to the Insured Owner, Daniel Singh of **Land Developers & Associates Corporation (LDAC)**, a California Corporation were forged. The following narrative is paraphrased from Gloria Payne's referral addressed to Sgt. Luna.

Investigation:

Gloria Payne is a Fraud Review Administrator for Fidelity National Title Group (FNTG). FNTG is the parent group of several title insurance underwriters, including FNTG which issues title insurance policies, commitments and other assurances to lending institutions, companies and individuals in connection with the purchase and finance of real estate.

FNTG was made aware that the potential crime of Identity Theft and Forgery may have occurred in connection with the property at 5309 Louise Avenue, Los Angeles, CA. Payne stated that FNTG may become the victim in the future to the extent a loss is paid under the title insurance policy issued by the company to the owner(s) and/or lender(s).

The former property owner of 5309 Louise Avenue, Robert Tascon alleged that his signature on the grant deed, and other sale documents, transferring title to LDAC were forged. In Spring of 2021, Steven Tobias, an employee of LDAC was approached by a woman who identifying herself as, Caroline Phenix. Phenix was representing herself as an attorney who represented homeowners in distressed situations needing to sell. Phenix showed Tobias multiple properties her clients were ostensibly selling, including 5309 Louise Avenue. The Insured had not entered 5309 Louise Avenue property because squatters were present. However, on August 25, 2021, LDAC entered into a purchase agreement for the property at 5309 Louise Avenue with Robert Tascon, with a sale price of \$1.5 Million.

On September 7, 2021, a Grant Deed was supposedly executed by Robert Tascon in favor of Daniel Singh, individually, principal of the Insured, but was never recorded. On the same day, a Special Power of Attorney in the name of Shawn Hassanshahi was supposedly executed by Tascon authorizing execution of the sale documents for the 5309 Louise Avenue property. On September 8, 2021, someone claiming to be Tascon executed escrow instructions with Global First Escrow for distribution of the net sales proceeds as follows: **\$118,000.00 to Lexington National Insurance Corporation General Escrow; \$950,000.00 to Jason Kroth, listed as a creditor ; and \$343,131.00 be paid to Robert John Tascon in the form of a check.**

EXHIBIT